

REMARKS

Claims 1, 4 through 9, and 12 through 14 are pending in this Application. Claims 1, 4, and 9 have been amended, and claims 2, 3, 10, and 11 have been cancelled. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed-disclosure, noting that claim 4, indicated to contain allowable subject matter, has been placed in independent form, and that limitations from claim 4 have been incorporated into independent claim 1.. Applicants submit that the present Amendment does not generate any new matter issue.

(1). Claim 9 was rejected under the second paragraph of 35 U.S.C. §112.

In the statement of the rejection, the Examiner identified language in claim 9 asserted to render the claimed invention indefinite, and courteously suggested remedial language. This rejection is traversed.

In response, claim 9 has been amended as suggested by the Examiner, thereby overcoming the stated basis for the rejection. Accordingly, withdrawal of the rejection claim 9 under the second paragraph of 35 U.S.C. §112 is solicited.

(2). Claims 1, 9, 12, and 13 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon Miyake et al. (“Miyake”).

(3). Claims 1 and 14 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon Miyake in view of Endo et al. (“Endo”).

(4). Claims 1, 2, 3, and 9 through 13 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon Mitsumoto et al. (“Mitsumoto”).

Each of the above-identified rejections (2), (3), and (4) under 35 U.S.C. §103(a) is traversed. Indeed, each of these rejections has been rendered moot by incorporating the limitations of claim 4, indicated allowable, into independent claim 1. As apparently recognized by the Examiner, none of Miyake, Endo, or Mitsumoto, taken singly or in combination, disclose or suggest an immersion upper layer film composition as defined in independent claim 1 comprising, *inter alia*, a resin having a **repeating unit having an alcoholic hydroxyl group on a side chain containing a fluoroalkyl group on at least the carbon atom of the α -position**. Applicants, therefore, solicit withdrawal of each of the above-identified rejections (2), (3), and (4) under 35 U.S.C. §103(a).

Applicants acknowledge, with appreciation, the Examiner's indication that claims 4 through 8 contain allowable subject matter. As claim 4 has been placed in independent form, and the limitations of claim 4 have been incorporated into independent claim 1, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-519-9954 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

/Arthur J. Steiner/

Arthur J. Steiner

Attorney/Agent for Applicant(s)

Reg. No. 26106

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9953
Fax (703) 519-9958